

regulates ICAM-1 expression, classified in class 530, subclass 388.3

IV. Claims 7-8, drawn to an antisense nucleotide-based therapeutic agent that down-regulates ICAM-1 expression, classified in class 536, subclass 24.5.

V. Claims 9, 13, and 14 drawn to a method of preventing RSV infection or blocking binding of RSV to ICAM-1 by administering an effective amount of an undefined agent that interferes with the binding of RSV to ICAM-1 classified in class 536, subclass 24.5.

VI. Claims 15, 16, and 17, drawn to an anti-ICAM-1 antibody composition that blocks ICAM sites of binding, classified in class 530, subclass 388.22.

VII. Claims 15, 16, and 17, drawn to an anti-RSV antibody composition that blocks ICAM sites of binding, classified in class 530, subclass 388.3.

VIII. Claims 15, 16, and 18, drawn to an antisense nucleotide-based therapeutic agent that blocks ICAM sites of binding, classified in class 536, subclass 24.5.

Applicants provisionally elect Group I, claims 1-6 and 10-12 for prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 7-9, and 13-18 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

Applicants traverse the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. All of the groups of claims relate to methods and compositions for treating RSV. Since there is a great amount of cross-classification between these groups, it is respectfully submitted that examination of all of the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicants have

traversed the restriction requirement. However, as stated above, Applicants have elected the claims of Group I and provisionally withdrawn claims 7-9, and 13-18, without prejudice, pending reconsideration of the restriction requirement.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

The application is now in condition for allowance, which allowance is respectfully solicited.

Respectfully submitted,

KOHN & ASSOCIATES

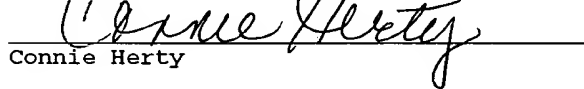


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on February 19, 2002.


Connie Herty